

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT KURT SCHERER,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,  
KRAUSE, INC., and DOES 1-100,

Defendants.

CIV-S-04-0109 DFL GGH

MEMORANDUM OF OPINION  
AND ORDER

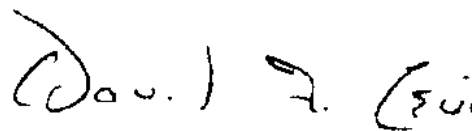
Plaintiff Robert Scherer has filed a motion seeking the following: (1) an extension of the discovery cut-off date; (2) permission to propound additional interrogatories; and (3) rescheduling of the hearing date for defendants' summary judgment motions. Defendants Home Depot, Inc. ("Home Depot") and Krause, Inc. ("Krause") oppose Scherer's motions and move for summary judgment. In addition, Krause moves to exclude the testimony of four of Scherer's expert witnesses or compel their depositions. With the exception of the motions for summary judgment, the parties filed all of the above motions ex parte.

As discussed at oral argument, the court DENIES the request

1 to extend the discovery deadline for all discovery except the  
2 depositions of Dr. Mack Quan, Dr. Russell Darnell, Dr. Joseph  
3 Balser, and Mr. Eaton, and the filing of their initial and  
4 supplemental reports. The court DISMISSES the pending summary  
5 judgment motions with leave to refile and VACATES the date set  
6 for trial and for the final pre-trial conference. The new  
7 schedule for this case is as follows: (1) the parties must  
8 complete all testing and deliver initial expert reports on or  
9 before December 7, 2005; (2) the parties must deliver any  
10 supplemental reports on or before December 21, 2005; (3) if the  
11 parties choose to depose the expert witnesses listed above, they  
12 must do so on or before February 1, 2006; (4) dispositive motions  
13 are due on March 1, 2006; (5) dispositive motions will be heard  
14 on March 29, 2006, at 10:00 A.M.; (6) the final pre-trial  
15 conference is reset to May 12, 2006 at 2:00 P.M.; (7) the trial  
16 date is reset to June 19, 2006 at 9:00 A.M.

17 IT IS SO ORDERED.

18 Dated: 11/21/2005  
19  
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A handwritten signature in black ink, appearing to read "David F. Levi". The signature is written in a cursive, somewhat stylized font. It is positioned above a horizontal line that separates it from the printed name below.

22 DAVID F. LEVI  
23 United States District Judge  
24  
25  
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